



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,113	11/25/2003	In Jae Park	OUSP 23-222	6131

7590 .09/28/2005

ROBERT W. BECKER & ASSOCIATES
Suite B
707 Highway 66 East
Tijeras, NM 87059

EXAMINER

LOCKETT, KIMBERLY R

ART UNIT PAPER NUMBER

2837

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EP

Office Action Summary	Application No. 10/721,113	Applicant(s) PARK, IN JAE	
	Examiner Kim R. Lockett	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on: _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens (6,627,803) in view of Rendell (3,685,385).

Regarding claims 1, Stephens discloses a brace bar comprising a narrow portion having a cross-section with a profile of which at least one side extends vertically upward to a position of a predetermined height, thus forming a lower base pad (the base portion shown in Fig. 6B), and is bent inward at said position toward a center of the brace bar, and: thereafter, extends upward while being inclined at a predetermined inclination angle to form an upper pad (Fig. 6B).

Regarding claim 2, Stephens discloses the claimed invention (Fig. 6B).-

Stephens does not disclose the specific use of a tapered upper end.

Rendell discloses the use of a brace bar with a tapered upper end (column 3, lines 15-25). Rendell further discloses a brace that is bent inward at said position toward a center of the brace bar (see figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the brace as disclosed by Stephens with the tapered end and bent portion as disclosed by Rendell in order to provide a brace with constructional clearance.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens (6,627,803) in view of Witchel (5,406,874) and Rendell (3,685,385).

Regarding claims 1, Stephens discloses a brace bar comprising a narrow portion having a cross-section with a profile of which at least one side extends vertically upward to a position of a predetermined height, thus forming a lower base pad (the base portion shown in Fig. 6B), and is bent inward at said position toward a center of the brace bar, and: thereafter, extends upward while being inclined at a predetermined inclination angle to form an upper pad (Fig. 6B).

Regarding claim 2, Stephens discloses the claimed invention (Fig. 6B)

Rendell discloses the use of a brace bar with a tapered upper end (column 3, lines 15-25).

Stephens and Rendell do not disclose the specific use of a vertically extending side.

Regarding claim 3, Stephens discloses the claimed invention except that the other side extends vertically upward to a top of the brace bar. Witchel teaches a brace bar having only one side extends vertically upward to a top of the brace bar (Fig. 7) for supporting and attaching to a soundboard (14).

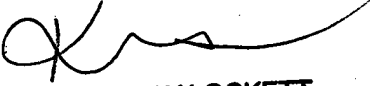
It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the brace as disclosed by Stephens with the tapered end as disclosed by Rendell and the vertically extending side as disclosed by Witchel in order to provide an efficient attachment means.

4. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.
5. Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.

For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose **telephone number is 800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Kim Lockett** whose **telephone number is (703) 308-7615, after 2/3/04 my new number will be (571) 272-2067**. The examiner can normally be reached on Tuesday through Friday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107.


KIMBERLY LOCKETT
PRIMARY EXAMINER